

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3093

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 3093.

As amended and reported by the committee, Senate Bill No. 3093 upgrades certain penalties for assaulting a law enforcement officer. The amended bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services suffers bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim is injured; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree. Additionally, the defendant would not be allowed to enter a guilty plea to a lesser charge. The amended bill provides that a conviction for assaulting a law enforcement officer would not merge with any other criminal offense. Under the amended bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in bodily injury or seriously bodily injury.

The amended bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services suffers bodily injury. Under current law, it is a crime of the fourth degree for a person to assault a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The amended bill would add firefighters and persons engaged in emergency first-aid or medical services to the list of officers protected under current law.

Under the amended bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers bodily injury. Additionally, any person charged with assault

with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. Any positive results for a communicable disease will be shared with the assault victim.

A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) remove provisions from the bill that establish a mandatory term of incarceration for assaulting a law enforcement officer or assaulting an officer with bodily fluids;

(2) provide that a conviction for assaulting a law enforcement officer would not merge with any other criminal offense;

(3) establish that a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in bodily injury or seriously bodily injury;

(4) include firefighters and persons engaged emergency first-aid or medical services to the list of law enforcement officers protected from assault with bodily fluids under current law; and

(5) clarify that a blood sample or other biological sample drawn as a result of the crime of assault with bodily fluids is to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health.